

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* JOHN  
DOE and THE STATE OF NEW YORK *ex rel.*  
JOHN DOE,

Plaintiffs,

-against-

SENTOSACARE, LLC, and SPLIT ROCK  
REHABILITATION AND HEALTH CARE  
CENTER, LLC,

Defendants.

11 Civ. 04269 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Court is in receipt of notices from the United States of America and the State of New York informing the Court of their respective decisions to decline to intervene in this action ("Notices"). The Notices are appended to this Order.

It is hereby **ORDERED** that as of the date of this Order, the Complaint shall be unsealed, and service upon Defendants by Relator is authorized.

It is further **ORDERED** that except for the Complaint, this Order and the Notices appended hereto, all other contents of the Court's file in this action shall remain under seal and not be made public or served upon Defendants. Relator will serve upon Defendants this Order and the Notices only after service of the Complaint. The seal shall not apply to any matters occurring in this action after the date of this Order.

It is further **ORDERED** that the parties shall serve all pleadings and motions filed in this action, including supporting memoranda and materials, upon the United States of America and the State of New York, as provided for in 31 U.S.C. § 3730(c)(3) and N.Y. State Fin. Law §

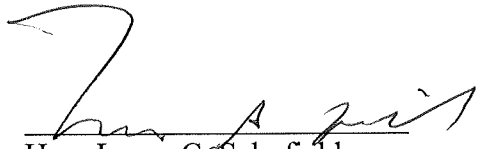
190(2)(f) respectively. Pursuant to 31 U.S.C. § 3730(c)(3), the United States of America may seek to intervene with respect to the allegations in the Complaint for good cause at any time.

It is further **ORDERED** that all orders of this Court in this action shall be sent to the United States of America and the State of New York by Relator.

It is further **ORDERED** that should Relator or Defendants propose that the Complaint or any of its allegations be dismissed, settled or otherwise discontinued, or that any Defendants be dismissed from the case, the parties must solicit the written consent of the United States of America and the State of New York before applying for Court approval.

SO ORDERED.

Dated: November 12, 2013  
New York, New York



Hon. Lorna G. Schofield  
United States District Judge

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
By: Christopher Y. Miller  
Special Assistant Attorney General  
120 Broadway, 12th Floor  
New York, New York 10271  
Telephone: (212) 417-5390  
Facsimile: (212) 417-4604

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA <i>ex rel.</i>	)	
JOHN DOE and THE STATE OF	)	Case No. 11-CIV-4269 (LGS)
NEW YORK <i>ex rel.</i> JOHN DOE,	)	
	)	
Plaintiffs,	)	<b>FILED UNDER SEAL</b>
	)	
-against -	)	
	)	
SENTOSACARE, LLC and SPLIT ROCK	)	
REHABILITATION AND HEALTH CARE	)	
CENTER, LLC,	)	
	)	
Defendants.	)	
-----	x	

**NOTICE OF THE STATE OF NEW YORK'S  
ELECTION TO DECLINE INTERVENTION**

Pursuant to the New York False Claims Act, N.Y. State Fin. Law § 190(2)(f), the State of New York ("State") respectfully notifies the Court of its election to decline to intervene in the above-captioned action.

Pursuant to the New York False Claims Act, the State reserves all rights to intervene at a later date upon a showing of good cause. *See, e.g.*, N.Y. State Fin. Law § 190(5)(a).

The State respectfully requests that if at some future time, the Relator or defendants propose that any claims be dismissed, settled, or otherwise discontinued, the Court solicit the

written consent of the State before ruling or granting its approval. The Relator cannot bind the State. See N.Y. State Fin. Law § 190(5)(a).

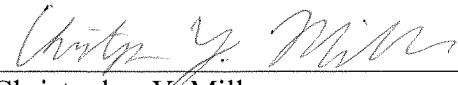
The State further requests that all pleadings filed in this action be served upon the State. The State also respectfully requests that all orders issued by the Court be sent to the State by the Relator. Finally, the State reserves the right to order any deposition transcripts in this case.

A Proposed Order accompanies this Notice.

Dated: New York, New York  
November 8, 2013

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York

By:   
Christopher Y. Miller  
Special Assistant Attorney General  
Medicaid Fraud Control Unit  
120 Broadway, 12th Floor  
New York, New York 10271  
Telephone: (212) 417-5390  
Facsimile: (212) 417-4604

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of November, 2013, a true and correct copy of the foregoing, NOTICE OF THE STATE OF NEW YORK'S ELECTION TO DECLINE

INTERVENTION, was served upon:

Louis Pellegrino  
Assistant United States Attorney  
Southern District of New York  
*Counsel for the United States*

Robert W. Sadowski  
Raphael Katz  
Sadowski Fischer PLLC  
*Counsel for Relator*



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Christopher Y. Miller  
Special Assistant Attorney General

PREET BHARARA  
United States Attorney  
Southern District of New York  
Attorney for the United States  
By: LOUIS PELLEGRINO  
Assistant United States Attorneys  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
Tel. (212) 637-2689  
Fax (212) 637-2686  
Email: louis.pellegrino@usdoj.gov

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* JOHN  
DOE and THE STATE OF NEW YORK *ex rel.*  
JOHN DOE,

Plaintiffs,

v.

SENTOSACARE, LLC, and SPLIT ROCK  
REHABILITATION AND HEALTH CARE  
CENTER, LLC.,

Defendants.

11 Civ. 4269 (LGS)

**UNDER SEAL**

**THE GOVERNMENT'S NOTICE OF DECISION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America, by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the United States declines to intervene in this action, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain his

action in the name of the United States, provided, however, that the complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.*

Therefore, the United States requests that, should the relator or any defendant propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the parties must solicit the written consent of the United States before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this matter be served upon the United States. The United States also requests that orders issued by the Court be sent to the Government’s counsel by the relator. The United States reserves its right to order the transcript of any depositions taken with respect to the allegations in the relator’s complaint. The United States also reserves its right to intervene with respect to the allegations in the relator’s complaint, for good cause, at a later date.

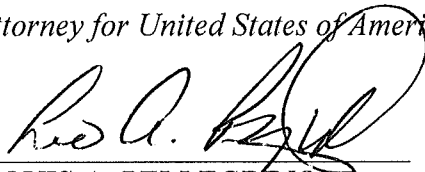
A proposed order accompanies this notice.

Dated: New York, New York  
November 8, 2013

Respectfully submitted,

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
*Attorney for United States of America*

By:

  
LOUIS A. PELLEGRINO  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
Telephone: 212-637-2689